



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. SAT-00059

Tuesday November 14, 2000

SATELLITE POLICY BRANCH INFORMATION

Applications Accepted for Filing

SAT-PDR-20001031-00146

NEW SKIES SATELLITES N.V.

Petition for Declaratory Ruling

The Commission has received a request from New Skies Satellites N.V. ("New Skies") for a declaratory ruling that (1) the use of space segment operated by New Skies will not harm competition in the telecommunications market of the United States, as provided in Section 601 of the Open-market Reorganization for the Betterment of International Telecommunications Act (Pub. Law 106-180, 114 Stat. 48 (2000)) (the "ORBIT Act"); and (2) New Skies has met the criteria for achieving independence from INTELSAT specified under Sections 621 and 623 of the ORBIT Act and has met the requirements of the Commission's Report and Order in New Skies Satellites N.V., 14 FCC Rcd. 13003 (1999).

In New Skies, the Commission granted over one hundred U.S. earth station operators the right to access New Skies satellites, but limited the term of this access to three years in order to encourage New Skies to become fully independent from INTELSAT in a timely manner. Congress subsequently passed the ORBIT Act in order to promote a fully competitive global market for satellite communications services through the pro-competitive privatization of INTELSAT and Inmarsat, two intergovernmental organizations providing such services. Section 601 of the Act provides that the Commission may not authorize the use of any space segment owned, leased, or operated by any separated entity unless it determines that such use will not harm competition in the U.S. market.

New Skies meets the ORBIT Act's definition of an INTELSAT separated entity. New Skies states that, now that it has successfully completed an initial public offering, it has satisfied all of the criteria for privatization established in Sections 621 and 623 of the ORBIT Act applicable to separated entities and that it has also satisfied the requirements established in New Skies for granting full-term market access. New Skies requests that we make the finding required under Section 601 of the ORBIT Act and also declare that the competition-related concerns stated in New Skies have been sufficiently addressed. New Skies requests the Commission to take such action as may be necessary to grant it full access to the U.S. market on terms comparable to those enjoyed by other non-U.S. licensees. It also requests a waiver of our two-degree spacing policy with respect to the four orbital locations outside the U.S. domestic arc from which it is currently operating.

COMMENTS may be filed or before DECEMBER 14, 2000. REPLIES may be filed on or before DECEMBER 26, 2000. RESPONSES to replies may be filed on or before JANUARY 3, 2001.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral ex parte presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written ex parte presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Commenters must file an original and four copies of all comments and reply comments. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 - 12th Street, S.W., TW-A325, Washington, D.C. 20554. In addition, one copy of each pleading must be filed with the Commission's duplicating contractor, International Transcription Services (ITS), 1231 - 20th Street, N.W., Washington, D.C. 20036. All filings should reference File No. SAT-PDR-20001031-00146.

For further information, contact Jim Ball at (202) 418-0427 and Sasha Field at (202) 418-2064.
